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SENATE BILL 15

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

Phillip J. Maloof

AN ACT

RELATING TO CRIMINAL LAW; MAKING IT UNLAWFUL FOR A PERSON TO
POSSESS ANY VISUAL OR PRINT MEDIUM DEPICTING A PROHIBITED SEXUAL
ACT THAT INVOLVES A CHILD; PROVIDING PENALTIES; AMENDING
SECTIONS OF THE SEXUAL EXPLOITATION OF CHILDREN ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-6A-1 NMSA 1978 (being Laws 1984,
Chapter 92, Section 1) is amended to read:

"30-6A-1. SHORT TITLE. -- [~~Sections 1 through 4 of this act~~]
Chapter 30, Article 6A NMSA 1978 may be cited as the "Sexual
Exploitation of Children Act". "

Section 2. Section 30-6A-3 NMSA 1978 (being Laws 1984,
Chapter 92, Section 3, as amended) is amended to read:

"30-6A-3. SEXUAL EXPLOITATION OF CHILDREN. --

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1 A. It is unlawful for any person to intentionally
2 possess any visual or print medium depicting any prohibited
3 sexual act or simulation of such an act if that person knows or
4 has reason to know that the medium depicts any prohibited sexual
5 act or simulation of such act and if that person knows or has
6 reason to know that one or more of the participants in that act
7 is a child under eighteen years of age. Any person who violates
8 this subsection is guilty of a fourth degree felony.

9 [A-] B. It is unlawful for any person to
10 intentionally distribute or possess with intent to distribute
11 any visual or print medium depicting any prohibited sexual act
12 or simulation of such an act if that person knows or has reason
13 to know that the medium depicts any prohibited sexual act or
14 simulation of such act and if that person knows or has reason to
15 know that one or more of the participants in that act is a child
16 under eighteen years of age. Any person who violates this
17 subsection is guilty of a third degree felony.

18 [B-] C. It is unlawful for any person to
19 intentionally cause or permit a child under eighteen years of
20 age to engage in any prohibited sexual act or simulation of such
21 an act if that person knows, has reason to know or intends that
22 the act may be recorded in any visual or print medium or
23 performed publicly. Any person who violates this subsection is
24 guilty of a third degree felony, unless the child is under the
25 age of thirteen, in which event the person is guilty of a second

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 January 27, 1997
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7 Mr. President:
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9 Your JUDICIARY COMMITTEE, to whom has been referred
10

11 SENATE BILL 15
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 FINANCE COMMITTEE.
16

17 Respectfully submitted,
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22 Fernando R. Macias, Chairman
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Tsosie, McSorley

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
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5 February 6, 1997
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7 Mr. President:
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9 Your FINANCE COMMITTEE, to whom has been referred
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11 SENATE BILL 15
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS.
15

16 Respectfully submitted,
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21 Ben D. Altamirano, Chairman
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25 Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Aragon, Carraro, Ingle, McKibben

Absent: None

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FORTY-SECOND LEGISLATURE
SECOND SESSION

SF1/SB 100, aa

Page 9

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 15, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 15, as amended

AMENDMENT sponsored by SENATOR DAVIS

1.) On page 2, line 1, after the word "person" insert ", over
the age of 18,".

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FORTY-SECOND LEGISLATURE
SECOND SESSION

SF1/SB 100, aa

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Senator Davis

Adopted _____

Not Adopted _____

(Chief Clerk)

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Date _____

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FORTY-SECOND LEGISLATURE
SECOND SESSION

SF1/SB 100, aa

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FORTY-SECOND LEGISLATURE
SECOND SESSION

SF1/SB 100, aa

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 15, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 15, as amended

AMENDMENT sponsored by SENATOR VERNON

1.) In paragraph (5) of Senate Floor Amendment No. 1, strike
the word "downloading" and insert in lieu thereof "viewing".

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FORTY-SECOND LEGISLATURE
SECOND SESSION

SF1/SB 100, aa

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Senator Vernon

Adopted _____ Not Adopted _____

(Chief Clerk)
(Chief Clerk)

Date _____

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SECOND SESSION

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S0015FS2

116172.2

FORTY-THIRD LEGISLATURE

FIRST SESSION

February 10, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 15

Amendment sponsored by Senator Fernando R. Macias

1. On page 3, between lines 10 and 11, insert the following new section:

"Section 2. Section 30-6A-2 NMSA 1978 (being Laws 1984, Chapter 92, Section 2, as amended) is amended to read:

"30-6A-2. DEFINITIONS. --As used in the Sexual Exploitation of Children Act:

A. "prohibited sexual act" means:

(1) sexual intercourse, including genital-genital,

FORTY-SECOND LEGISLATURE
SECOND SESSION

SF1/SB 15

Page 16

oral-genital, anal-genital or oral-anal, whether between persons
of the same or opposite sex;

(2) bestiality;

(3) masturbation;

(4) sadomasochistic abuse for the purpose of sexual
stimulation; or

(5) lewd and sexually explicit exhibition with a
focus on the genitals or pubic area of any person for the purpose
of sexual stimulation. "Prohibited sexual act" does not include
erotic clothed dancing or downloading visual or print medium from
a computer;

B. "visual or print medium" means:

(1) any film, photograph, negative, slide, computer
diskette, videotape, videodisc or any computer or electronically
generated imagery; or

116424.1

Underscored material = new
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FORTY-SECOND LEGISLATURE
SECOND SESSION

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(2) any book, magazine or other form of publication or photographic reproduction containing or incorporating any film, photograph, negative, slide, computer diskette, videotape, videodisc or any computer generated or electronically generated imagery;

C. "performed publicly" means performed in a place which is open to or used by the public; and

D. "manufacture" means the production, processing, copying by any means, printing, packaging or repackaging of any visual or print medium depicting any prohibited sexual act or simulation of such an act if one or more of the participants in that act is a child under eighteen years of age."

2. Renumber the succeeding section accordingly.

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SECOND SESSION

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

116424.1

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 14, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 15, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/SB 15, a

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Adopted _____ Not Adopted _____

(Chief Clerk)
(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, King, Luna, Rios, Sanchez, Stewart

Absent: None

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 14, 1997

Mr. Speaker:

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SENATE BILL 15, as amended
has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
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Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/SB 15, a

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Adopted _____ Not Adopted _____

(Chief Clerk)
(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

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Absent: None

M \S0015

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